

**CHAPTER NO. 236**

**SENATE BILL NO. 36**

**By Cohen**

**Substituted for: House Bill No. 2054**

**By Henri Brooks, Cooper, Larry Turner, Marrero, Ulysses Jones, John DeBerry, Miller, Sontany, Pruitt,  
Brown, Favors, Bowers**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, Part 3, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-311, is amended by adding the following language as a new, appropriately designated subsection:

(m)(1) No driver possessing a learner permit or intermediate driver license pursuant to the provisions of this section shall operate a motor vehicle in motion on any highway while using a hand held cellular telephone, cellular car telephone, or other mobile telephone.

(2) A violation of this subsection is a Class C misdemeanor, punishable only as follows:

(A) A fine of fifty dollars (\$50.00); and


(B) Such driver shall be ineligible to apply for an intermediate or unrestricted driver license for an additional ninety (90) days from the time such driver would otherwise be eligible to obtain such license type.

(3) It is an affirmative defense to prosecution under this subsection, which must be proven by a preponderance of the evidence, that the driver's use of a hand held cellular or cellular car telephone was necessitated by a *bona fide* emergency. The use of a mobile phone while operating a vehicle by any driver, who is eighteen (18) years of age or less, to communicate with such person's custodial parents shall be deemed a *bona fide* emergency and shall not be a violation of this subsection.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

**PASSED: May 12, 2005**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 27<sup>th</sup> day of May 2005**

  
PHIL BREDESEN, GOVERNOR